

REMARKS/ARGUMENTS

Applicant has reviewed and considered the non-final Office Action mailed on December 8, 2006, and the references cited therewith.

Claims 21-47 are now pending in this application.

Applicant respectfully traverses the rejections and, based on the Remarks below, respectfully requests reconsideration and allowance of claims 21-47.

Priority

The specification has been amended to reflect the current status of the parent application, as the Office Action indicated.

Double Patenting

Applicant requests that the provisional double patenting rejections be held in abeyance pending the resolution of the allegedly conflicting claims.

§103 Rejection of the Claims

Claims 21-25, 29-34, 37-47 were rejected under 35 USC §103(a) as being unpatentable over GB 2 307 180 ("Hunt") in view of US 5,549,585 ("Maher").

Applicant respectfully traverses these rejections since the proposed combination of Hunt and Maher does not teach or suggest all of the claimed limitations. Among other things, the combination Hunt and Mayer does not teach or suggest a "chamber having a trapping agent" wherein the chamber is in fluid communication with a vacuum pump, which is a limitation of all the independent claims. The Office Action concedes that Hunt does not teach a trapping agent in the chamber, but argues that Maher teaches this limitation. Maher describes a gelling agent used to treat waste material, but does not teach or suggest using such an agent in a chamber that is in fluid communication with the vacuum pump. To the contrary, Maher teaches that a vacuum source must be disconnected before introducing the agent into

receptacle 20. Maher at col. 5, ll.23-31. Thus, even if Hunt is combined with Maher as the Office Action suggests, the apparatus would not provide an agent in the chamber that "avoids hazards associated with spillage" (O.A. at 6) while the vacuum pump is operating. Accordingly, the rejection of these claims under § 103 is improper, and Applicant respectfully requests that the rejection be withdrawn.

Conclusion

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment made with this Office Action, to Deposit Account Number 500326.

In light of all the foregoing, believing that all things raised in Examiner's December 8, 2006 non-final Office Action have been addressed, Applicant respectfully requests reconsideration of the prior rejections and objections, as well as allowance of the claims and passage of the application to issue. If the Examiner would care to discuss any remaining matters by phone, Applicant invites the Examiner to contact Robert W. Mason, Reg. No. 42,848 at 210.255.6271.

Respectfully submitted,

By: 
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